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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

BILLY BOB WELLS, an individual,

Defendant.

Case No.: 2:10-cv-01542

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Billy Bob Wells (“Mr. Wells”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

1 13. Mr. Wells' display of the Infringement was and is purposefully directed at
2 Nevada residents.

3 14. Mr. Wells willfully copied, on an unauthorized basis, the literary work entitled:
4 "Deadly Home Robbery: Process server arrested" (the "Robbery Article"), attached hereto as
5 Exhibit 4, from a source emanating in Nevada.

6 15. On or about February 10, 2010, Mr. Wells displayed, and continues to display, the
7 Robbery Article on the Website.

8 16. Mr. Wells' display of the Robbery Article was and is purposefully directed at
9 Nevada residents.

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12 **VENUE**

13 17. The United States District Court for the District of Nevada is an appropriate
14 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
15 the claim for relief are situated in Nevada.

16 18. The United States District Court for the District of Nevada is an appropriate
17 venue, pursuant to 28 U.S.C. § 1400 (a), because Mr. Wells is subject to personal jurisdiction in
18 Nevada.

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21 **FACTS**

22 19. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §
23 102(a)(1).

24 20. Righthaven is the owner of the copyright in and to the Work.

25 21. The Work was originally published on or about August 10, 2010.

26 22. On September 2, 2010, the United States Copyright Office (the "USCO")
27 received Righthaven's official submittal for the registration to the Work, including the
28 application, the deposit copy, and the registration fee (the "Complete Application"), Service

1 Request No. 1-481234803, and attached hereto as Exhibit 5 is the official USCO application
2 submittal for the Work depicting the occurrence of the Complete Application.

3 23. On or about August 10, 2010, Mr. Wells displayed, and continues to display, the
4 Infringement on the Website.

5 24. Mr. Wells did not seek permission, in any manner, to reproduce, display, or
6 otherwise exploit the Work.

7 25. Mr. Wells was not granted permission, in any manner, to reproduce, display, or
8 otherwise exploit the Work.

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11 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

12 26. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
13 25 above.

14 27. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
15 U.S.C. § 106(1).

16 28. Righthaven holds the exclusive right to prepare derivative works based upon the
17 Work, pursuant to 17 U.S.C. § 106(2).

18 29. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
19 17 U.S.C. § 106(3).

20 30. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
21 U.S.C. § 106(5).

22 31. Mr. Wells reproduced the Work in derogation of Righthaven's exclusive rights
23 under 17 U.S.C. § 106(1).

24 32. Mr. Wells created an unauthorized derivative of the Work in derogation of
25 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

26 33. Mr. Wells distributed, and continues to distribute, an unauthorized reproduction
27 of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §
28 106(3).

1 34. Mr. Wells publicly displayed, and continues to publicly display, an unauthorized
2 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
3 17 U.S.C. § 106(5).

4 35. Mr. Wells has willfully engaged in the copyright infringement of the Work.

5 36. Mr. Wells' acts as alleged herein, and the ongoing direct results of those acts,
6 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven
7 cannot ascertain, leaving Righthaven with no adequate remedy at law.

8 37. Unless Mr. Wells is preliminarily and permanently enjoined from further
9 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
10 entitled to preliminary and permanent injunctive relief against further infringement by Mr. Wells
11 of the Work, pursuant to 17 U.S.C. § 502.

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14 **PRAYER FOR RELIEF**

15 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

16 1. Preliminarily and permanently enjoin and restrain Mr. Wells, and Mr. Wells'
17 agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all
18 persons acting for, by, with, through, or under Mr. Wells, from directly or indirectly infringing
19 the Work by reproducing the Work, preparing derivative works based on the Work, distributing
20 the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or
21 assisting in any such activity;

22 2. Direct Mr. Wells to preserve, retain, and deliver to Righthaven in hard copies or
23 electronic copies:

24 a. All evidence and documentation relating in any way to Mr. Wells' use of
25 the Work, in any form, including, without limitation, all such evidence and
26 documentation relating to the Website;

1 b. All evidence and documentation relating to the names and addresses
2 (whether electronic mail addresses or otherwise) of any person with whom Mr. Wells has
3 communicated regarding Mr. Wells' use of the Work; and

4 c. All financial evidence and documentation relating to Mr. Wells' use of the
5 Work;

6 3. Direct the current registrar, MarkMonitor Inc., and any successor domain name
7 registrar for the Domain, to lock the Domain and transfer control of the Domain to Righthaven;

8 4. Award Righthaven statutory damages for the willful infringement of the Work,
9 pursuant to 17 U.S.C. § 504(c);

10 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
11 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

12 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
13 law; and

14 7. Grant Righthaven such other relief as this Court deems appropriate.

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17 **DEMAND FOR JURY TRIAL**

18 Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

19 Dated this ninth day of September, 2010.

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21 RIGHTHAVEN LLC

22
23 By: /s/ J. Charles Coons
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